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To:- All Committee Members

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE - THURSDAY, 17TH MARCH, 2022

I am now able to enclose, for consideration at the next Thursday, 17th March, 2022 meeting of the Overview and Scrutiny Management Committee, the following reports that were marked as 'to follow' on the agenda sent out recently.

Agenda No	Item
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| 96. | <u>Tree Protection & Biodiversity Task & Finish Group (Pages 3 - 28)</u> |
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To consider the report of the Tree Protection and Biodiversity Task and Finish Group.

Yours sincerely

Susan Parsonage
Chief Executive

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WOKINGHAM BOROUGH COUNCIL

OVERVIEW AND SCRUTINY MANAGEMENT COMMITTEE

TREE PROTECTION & BIODIVERSITY TASK & FINISH GROUP

REPORT AND RECOMMENDATIONS

MARCH 2022

Task & Finish Group Members:

Councillor Chris Bowring (Chairman)

Councillors Michael Firmager (Vice-Chairman), Gary Cowan, Paul Fishwick and Jackie Rance.

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TREE PROTECTION & BIODIVERSITY TASK & FINISH GROUP

Foreword by Councillor Chris Bowring

Welcome to the report of the Tree Protection & Biodiversity Task & Finish Group. The Group was established in 2021 by the Overview and Scrutiny Management Committee to review the Council's existing approach to tree preservation and biodiversity and to examine the impact of new initiatives such as the Environment Act which received Royal Assent in late 2021.

Subsequently, at the full Council meeting in November 2021 a Motion was debated which proposed that the Council declare an Ecological Emergency alongside its earlier declaration of a Climate Emergency. The Task and Finish Group was asked to review the Motion and report back to Council with its views. We considered the linkages between the Climate Emergency and the proposed Ecological Emergency declaration and examined progress already being made.

The context for the Group's work is the rapid global decline in biodiversity which is linked to the ongoing Climate Emergency. Globally, we have lost 60% of wild invertebrates and over 70% of insects since 1970. The global picture is reflected in the UK which is one of the most nature-depleted countries in the world. Britain has lost more of its biodiversity than almost anywhere else in western Europe and more than the rest of the G7 countries. 15% of UK species are threatened with extinction. A recent report found that the rural hedgehog population in Britain had fallen by between 30% and 70% since 2000.

The Council's Vision for the Borough is "A great place to live, learn, work and grow and a great place to do business". A key part of making the Borough a great place to live is the provision of access to our country parks, parks, open spaces, rivers and nature reserves. In order to protect and enhance these attractions we need to work to ensure that new housing development is well planned with appropriate infrastructure including the provision of green spaces and appropriate tree planting. The report looks at ways to ensure that the Council is able to work with partners, community groups and residents to deliver on its Vision for the future of the Borough.

Finally, I would like to thank the members of the Task and Finish Group for their hard work and support and the officers and witnesses who provided a wealth of insights and ideas.

Chris Bowring
March 2022

Section 1 - Executive Summary

- 1.1 The world is experiencing a rapid decline in biodiversity which is intertwined with the ongoing Climate Emergency. The UK is one of the most nature depleted countries in the world with 15% of its species threatened with extinction. The Borough is facing significant pressure from new housing development underpinned by supporting infrastructure such as new roads, community facilities and schools.
- 1.2 The Council's Vision for the Borough is "A great place to live, learn, work and grow and a great place to do business". In order to be a great place to live we need to protect and enhance our open spaces, country parks and nature reserves for the benefit of every resident.
- 1.3 The Task and Finish Group was established by the Overview and Scrutiny Management Committee in order to review a range of issues relating to tree protection and biodiversity. These included the Council's existing powers and duties, the impact of new legislation and the opportunities for improved engagement and partnership working. We also looked at a case study relating to the felling of c450 trees at Bearwood Lake.
- 1.4 At the November 2021 Council meeting a Motion was considered which recommended that the Council declare an Ecological Emergency. Council referred the Motion to the Task and Finish Group for consideration and comment. The Group's views are set out in the report and will be submitted to full Council.
- 1.5 The Group received evidence from WBC officers and a range of external witnesses representing Town and Parish Councils, the Wokingham District Veteran Tree Association, the University of Reading and the Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust.
- 1.6 The Group considered existing policies and plans such as the Local Plan (currently being updated), the Biodiversity Action Plan and the emerging Tree Strategy. We also considered opportunities such as the introduction of mandatory Biodiversity Net Gain (from 2023) for new developments. The Council will be required to report annually on the level of net gain delivered. We noted the challenges facing the in-house Trees and Landscape team and welcomed the additional resources agreed in the 2022/23 Budget.
- 1.7 The Group considered linkages to the Climate Emergency Action Plan which included the project to plant 250,000 trees across the Borough over the next five years. We noted the opportunities for engagement with key partners, community groups and residents in delivering the tree planting project.
- 1.8 The Group's report will be submitted to the Overview and Scrutiny Management Committee for consideration prior to being considered by the Executive. The section relating to the Ecological Emergency Motion will be submitted to full Council.

Section 2 - Recommendations

- i) That an annual update report be submitted to the Overview and Scrutiny Management Committee and full Council, covering the Biodiversity Action Plan, Tree Strategy, the Local Nature Recovery Strategy, Biodiversity Net Gain Process, Flood Risk Management and any other issues relating to the protection and enhancement of biodiversity across the Borough;**
- ii) That, as part of the Biodiversity Action Plan update, the Council work with partners and specialist groups to produce an updated audit and baseline with SMART targets for future actions on biodiversity across the Borough.**
- iii) That the Council aim to achieve 20% Biodiversity Net Gain, where possible, judging each planning application on its individual merits.**
- iv) That Members and officers receive training on the Council's powers and duties relating to tree protection and biodiversity and the implications of recent changes in legislation.**
- v) That the Local Plan Update and supporting documents be consistent with the provisions of the National Planning Policy Framework (2021) relating to climate change, flooding and conserving the natural environment.**
- vi) That officers contact reservoir owners in the Borough and request that WBC receive early notice of any potential works under the Reservoirs Act, with a view to developing a communications plan in advance.**
- vii) That local Members and Parish Councils receive updates on the ongoing discussions with the owner of the Bearwood Lake site on potential mitigation measures for the felled trees and water run-off.**
- viii) That officers liaise with Town and Parish Councils and community groups to improve monitoring and compliance with planning requirements relating to tree planting on new developments.**
- ix) That officers consider the implementation of area-wide TPOs on new, large-scale development sites.**
- x) That the Tree Strategy and the 250,000 tree project be underpinned by an Action Plan setting out short term, medium term and long term actions.**
- xi) That officers develop a management policy relating to the maintenance of open spaces and highway verges, the draft policy to be submitted to the Overview and Scrutiny Management Committee for consideration.**
- xii) That officers work to develop improved partnership working, engagement and communication with key partners, including Town and Parish Councils, the Wokingham District Veteran Tree Association, schools, specialist and community groups.**

- xiii) That officers work with partners and specialist groups to encourage and empower residents in improving the local environment, for example by supporting residents to take the lead on local initiatives.**
- xiv) That the Council's website and communication channels be used to provide improved information and guidance on tree protection and biodiversity issues and signposting to specialist groups.**
- xv) That progress against the Task and Finish Group's recommendations be reviewed within 12 months.**

Section 3 - Background

- 3.1 The world is experiencing a significant decline in biodiversity with a million animal and plant species facing extinction. This is happening alongside and is linked to the ongoing Climate Emergency. As reported by the House of Commons Environmental Audit Committee, the global position is reflected in the UK which is one of the most nature depleted countries in the world. Of the G7 countries, the UK has the lowest level of biodiversity remaining.
- 3.2 In 2018, the Government published its 25 year Environment Plan, setting out the ambition to improve the natural environment within a generation. This was followed by the “state of nature” target aimed at halting the decline in nature by 2030. The UK State of Nature report (2019) highlighted the major pressures on nature in the UK as unsustainable forms of agriculture and woodland management, climate change, urbanisation, pollution, hydrological change and invasive non-native species.
- 3.3 In November 2021, the Environment Act received Royal Assent. The Act focuses on clean air, restoring natural habitats, increasing biodiversity, reducing waste and making better use of our resources. Specific measures in the Act include:
- Establishing the new Office for Environmental Protection;
 - Levelling up access to green infrastructure;
 - Improving air quality – developing Clean Air Zones;
 - Biodiversity Net Gain – mandatory improvement to biodiversity of at least 10% for developments;
 - Reducing waste – supporting a circular economy.
- 3.4 Wokingham Borough Council’s (WBC) approach to biodiversity and tree protection is framed within a number of statutory duties and local policies, including:
- The Town and Country Planning Act 1990;
 - The National Planning Policy Framework (NPPF);
 - The Hedgerow Regulations 1997;
 - The Local Plan – currently being updated;
 - The WBC Biodiversity Action Plan;
 - The WBC Climate Emergency Action Plan.

3.5 The Tree Protection and Biodiversity Task and Finish Group (the Group) was established by the Overview and Scrutiny Management Committee and met for the first time in August 2021. The Group comprised Councillors Chris Bowring (Chairman), Michael Firmager (Vice-Chairman), Gary Cowan, Paul Fishwick and Jackie Rance. The Group agreed the following Terms of Reference:

- To scrutinise the Council's current policies and plans relating to tree protection and biodiversity in relation to the Council's statutory powers and duties, including the implications of the Government's Environment Bill (now the Environment Act).
- To review the Council's Planning and Development Control policies and procedures relating to tree protection and biodiversity and the opportunities arising from the Local Plan Update.
- To carry out a case study relating to the loss of c450 mature trees at Bearwood Lake.
- To consider the content and implications of the Council's emerging Tree Strategy.
- To consider the opportunities for improved partnership working with local stakeholders – residents, specialist and community groups, schools and Town and Parish Councils.
- To consider the implications of the Council's Climate Emergency Action Plan and the opportunities for improved tree planting (250,000 trees across the Borough), tree protection and biodiversity.
- To consider examples of best practice in tree protection and biodiversity from across the country.
- To consider how progress is monitored, reported and communicated to Members and local stakeholders.
- To produce a report to the Executive with recommendations for improvement.

3.6 The Group met on 10 occasions and considered evidence from the following:

- Richard Bisset (WBC Lead Specialist Place Clienting)
- Laura Buck (WBC Green Infrastructure Special Project Manager)
- Professor Jo Clark (University of Reading – Department of Geography and Environmental Science)
- Katy Dagnall (Clerk, Finchampstead Parish Council)
- Duncan Fisher (WBC Ecology Officer)
- Alison Griffin (Wokingham & District Veteran Tree Association)
- Fran Hobson (WBC Service Manager – Community, Heritage, Green and Blue Infrastructure)
- Chris Hannington (WBC Trees and Landscape Manager)

- Katy Hughes (Clerk, Wokingham Without Parish Council)
 - Professor Martin Lukac (University of Reading – Ecosystem Science, School of Agriculture)
 - Lucy Moffat (Clerk, Twyford Parish Council)
 - Jan Nowecki (Clerk, Wokingham Town Council)
 - Emma Pilgrim (WBC Place Clienting)
 - Councillor Ian Shenton (WBC – mover of the Council Motion on Ecological Emergency)
 - Matthew Stanton (Berkshire, Buckinghamshire and Oxfordshire Wildlife Trust).
- 3.7 At the November 2021 Council meeting, a Motion was considered proposing that the Council declare an Ecological Emergency alongside its declaration of a Climate Emergency (2019). The Council referred the Motion to the Group for consideration, followed by a report back to the Council with recommendations for action. The Council Motion is considered in Section 5 of the report.
- 3.8 The November 2021 Council meeting also approved a Motion relating to an application for Tree Cities of the World status in the following terms:
- “Building on our commitment to planting 250,000 new trees, this Council commits to achieving ‘Tree Cities of the World’ status for our Borough as part of the creation of a Borough wide Tree Strategy. This will be done by:
- 1) Maintaining clear responsibility within the Council for the care of trees across our Borough.
 - 2) Agreeing a policy for the care and management of our forests and trees across the Borough. This must include standards for tree care, where and when they apply and penalties for non-compliance.
 - 3) Working with external partners to create and maintain an inventory of the local tree resource so that effective long-term planning for planting, care and removal can be established.
 - 4) Setting aside an annual budget for the implementation of the tree management strategy and management plan.
 - 5) Holding an annual celebration of our Borough’s trees and acknowledging the residents schools, charities and Council staff that contribute to our city tree programme.
 - 6) Creating a ‘Garden Forest’ programme to allow residents the opportunity to plant some of our 250,000 new tree commitment in their own gardens.
 - 7) Developing a continuous education process aimed at informing residents of the importance of trees, tree planting and tree protection and how best to care for the trees in their own gardens and communities.

- 8) Committing to planting a Covid-19 memorial wood within the Borough, of native trees, as a long-lasting memorial to those who have lost their lives during the 2020-21 Pandemic.

Once the above conditions are met an application for Tree Cities of the World status should be made as soon as possible.”

- 3.9 As stated above, the Council declared a Climate Emergency at its meeting in July 2019. The supporting Climate Emergency Action Plan includes a number of targets relating to biodiversity and tree protection, including:
- Planting 250,000 trees throughout the Borough by 2025 – this project is supported by the emerging Tree Strategy, considered later in the report. The Council had received a £300k grant from the Woodland Trust to support the project;
 - Carbon sequestration by design – improving carbon sequestration rates in future land management decisions;
 - Transition to low intensity land management – including wildflower grassland and hedgerow restoration;
 - A programme of carbon sequestration opportunities such as community garden schemes.
- 3.10 Following the initial drafting of its report, the Group shared the draft with relevant Executive Members and invited feedback on its conclusions and draft recommendations. The Group’s final report will be submitted to the Overview and Scrutiny Management Committee in March 2022. The section relating to Ecological Emergency will be submitted to full Council for consideration.
- 3.11 For information – the report talks about biodiversity and ecology. Biodiversity is defined as the variety of natural life and habitats on the planet. Ecology is the relationship between living things, including humans, and their physical environment.

Section 4 – Tree Protection & Biodiversity

Powers and Duties

4.1 The Group received an initial briefing on the range of powers and duties which enable Wokingham Borough Council to protect the biodiversity of the Borough. These include:

- The Town and Country Planning Act 1990 which sets out the Council's role as the Local Planning Authority, including the power to protect trees by the use of Tree Preservation Orders (TPO).
- National Planning Policy Framework (NPPF) which states that planning policies and decisions should contribute to and enhance the natural and local environment. Development resulting in the loss of irreplaceable habitats (such as ancient woodland and veteran trees) should be refused unless there are wholly exceptional reasons and a suitable compensation strategy exists.
- Local Plan – planning permission will be granted for proposals that maintain or enhance the quality of the environment. Development proposals should protect or enhance Green Infrastructure Networks, protect existing trees, hedges and other landscape features.
- The Hedgerow Regulations 1997 state that anyone wishing to remove a hedgerow must apply for permission from the Council.
- WBC Biodiversity Action Plan 2012/24 – the Action Plan aims to:
 - Raise awareness of the issues impacting on local biodiversity;
 - Outline targets and actions which will enhance biodiversity in the Borough;
 - Encourage and support community engagement; enabling local action to deliver targets;
 - Encourage management practices sympathetic to wildlife; promoting “good practice” and providing guidance;
 - Ensure policies are in place for the protection, management and enhancement of the local wildlife resource.

We noted that the Biodiversity Action Plan was coming to the end of its timeline and was due to be updated. This provided an opportunity to produce an up-to-date assessment of the state of biodiversity across the Borough. The updated Action Plan should include SMART targets and be reported to Members on a

regular basis. We supported the idea of an annual update on tree protection and biodiversity, similar to the annual update on the Climate Emergency Action Plan.

Recommendation – That an annual update report be submitted to the Overview and Scrutiny Management Committee and full Council, covering the Biodiversity Action Plan, Tree Strategy, the Local Nature Recovery Strategy, Biodiversity Net Gain Process, Flood Risk Management and any other issues relating to the protection and enhancement of biodiversity across the Borough.

Recommendation – That, as part of the Biodiversity Action Plan update, the Council work with partners and specialist groups to produce an updated audit and baseline with SMART targets for future actions on biodiversity across the Borough.

We noted that the core team working on tree protection and diversity issues at WBC was the Trees and Landscape Team within the Place and Growth directorate. As an example of the volume of work involved in the service, we heard that there are 1,482 TPOs in the Borough in addition to 414 area TPOs. Approximately 1.8 million trees are protected. The Council's tree officers are consulted on over 1,000 planning applications each year. We heard that the 2022/23 Budget process included provision for additional posts within the team. This would help to meet the extra demands from legislation (such as reporting on Biodiversity Net Gain) and allow increased focus on issues such as monitoring and enforcement of planning obligations and strengthening community engagement and partnership working.

Environment Act 2021

- 4.2 The Environment Act received Royal Assent in November 2021. The Act outlines statutory targets in four priority areas – air quality, biodiversity, water and waste. A key element in the Act is the requirement for Biodiversity Net Gain (BNG) within the planning process. BNG was created to ensure that new developments result in the natural environment being in a measurably better state. BNG requires a minimum 10% gain in biodiversity using measurable techniques developed by Natural England. Habitats should be secured for at least 30 years via planning obligations or conservation covenant. There will be a national register for net gain delivery sites. BNG will become mandatory in 2023 and is currently being shaped through a consultation published by DEFRA, Natural England and the Department for Levelling Up, Housing and Communities.
- 4.3 We noted that some councils have already committed to achieving 20% BNG. Going beyond 10% was seen as a sensible target. However, it was felt that this should be addressed on a case by case basis. The Council could set out a target to achieve 20%, where possible, but retain the flexibility to negotiate a lower target based on the relevant circumstances. We also noted the view that the level of Biodiversity Net Gain achievable may be different in urban versus rural developments.

Whilst mandatory BNG is a positive step, it is important that damage to habitats is avoided wherever possible. If BNG is agreed it should be delivered to a high standard, in the right place and in a manner which can be monitored and reported. We noted that the resource implications for WBC arising out of the Act were not yet clear as the provisions would be rolled out over the next two years. We also felt that Members and officers would benefit from training on changes to legislation and the wider powers and duties relating to tree protection and biodiversity.

The Environment Act also included provisions relating to:

- Water management – a new power relating to Sites of Special Scientific Interest (SSSI) which may, for example, result in improvements in biodiversity on the River Loddon.
- Modification of the Natural Environment and Rural Communities (NERC) Act 2006, including the duty for local authorities to conserve and enhance biodiversity. The Act included a requirement for councils to produce reports on the actions taken to enhance biodiversity. This would be met through reporting on the Biodiversity Action Plan.
- Local Nature Recovery Strategy – a spatial strategy that will establish priorities and map proposals for actions to drive nature recovery and wider environmental benefits. The strategy could be Borough-wide or county-wide. Discussions were ongoing with the other Berkshire unitaries.
- Species Conservation Strategies – a new mechanism to safeguard the future of species at greatest risk – this could help to build on current work to protect the three species protected in the Thames Basin Heaths – the Dartford Warbler, Nightjar and Woodlark.

Recommendation – That the Council aim to achieve 20% Biodiversity Net Gain, where possible, judging each planning application on its individual merits.

Recommendation - That Members and officers receive training on the Council's powers and duties relating to tree protection and biodiversity and the implications of recent changes in legislation.

Local Plan Update

- 4.4 The Group noted the ongoing process to update the Borough's Local Plan. The new Local Plan will run up to 2038, meaning that it will be a key document in planning for new homes, schools, community facilities and roads. Crucially it will also be key in protecting and enhancing biodiversity across the Borough. We expect that the Local Plan will be adopted by the end of 2023. Members also noted the revised NPPF (2021) and felt that the Local Plan Update and its supporting documents should be consistent with the NPPF provisions relating to meeting the challenge of climate change and flooding (chapter 14) and conserving and enhancing the natural environment (chapter 15).

Recommendation – That the Local Plan Update and supporting documents be consistent with the provisions of the National Planning Policy Framework (2021) relating to climate change, flooding and conserving the natural environment.

Bearwood Lake

- 4.5 The Group considered a case study of the events at Bearwood Lake relating to the felling of c450 trees at Bearwood Lake in February 2021. It was confirmed that this matter first came to the Council's attention on 8th December 2020 when officers received a copy of a Regulation 14(2)(a), notification from Reading Football Club, notifying of their intention to fell TPO trees around Bearwood Lake dam in order to comply with the Reservoirs Act 1975. The Council acknowledged receipt of the notification and requested a copy of the Reservoir Engineers report deeming the tree removal works to be necessary. In February 2021, the tree removal works began on site and officers received a number of queries from residents, Members and neighbouring Parish Councils asking whether the works had been approved by WBC.
- 4.6 Officers confirmed that the same response has been provided to Members, the Parish Councils and residents, stating that officers did not approve these works as approval was not required from the Local Planning Authority in order for a landowner to carry out works under a 14(2); the trees being exempt from the need for application under Regulation 14(1)(c) of the Tree Preservation Regulations (2012). Bearwood Lake lies next to land currently developed into training grounds for Reading Football Club. Planning permission for these works was granted in 2015. It was confirmed that the Environment Agency and Forestry Commission had been involved in discussions in the run up to the felling of the trees on the site and had not raised any objections.
- 4.7 Members concluded that it was clear that the landowners would have been aware that the expert advice over time was moving towards removal of the trees on site. As a result, there should have been time to contact the Council and ensure that local stakeholders were aware of the situation and the reasons behind the felling of the trees. The failure to communicate effectively led to the public outcry when the trees were felled. It would have been sensible to plan the works in advance, with proper public notice and discussion about communication and potential mitigation measures.
- 4.8 Members considered the lessons learned from this issue and the implications for other reservoirs in the Borough. The key point of learning related to the need for early communication with the relevant stakeholders. It was felt that other reservoir owners (including the relevant WBC officers) should be contacted and asked to ensure that WBC received early notice of any potential works under the Reservoirs Act, with a view to developing a communications plan in advance. As part of this process it was important to ensure that reservoir owners were aware of their responsibilities to communicate with local stakeholders.

- 4.9 The Group were informed that officers continued to hold discussions with the landowner over replacement trees and other vegetation in order to mitigate for the felled trees. We felt that Members and the Town and Parish Councils should receive feedback on the progress of these discussions.

Recommendation – That officers contact reservoir owners in the Borough and request that WBC receive early notice of any potential works under the Reservoirs Act, with a view to developing a communications plan in advance.

Recommendation – That local Members and Parish Councils receive updates on the ongoing discussions with the owner of the Bearwood Lake site on potential mitigation measures for the felled trees and water run-off.

Note: Gary Cowan informed the Group that he was in discussion with WBC officers about an issue relating to the Bearwood Lake site. As this matter had not been resolved, Councillor Cowan was unable to support the Group's findings in relation to Bearwood Lake, as set out in the report.

Tree Strategy

- 4.10 The Group received an update on the emerging Tree Strategy which aimed to provide improved direction and focus on tree management across the Borough. The Strategy will set out the benefits that trees and woods can deliver for health, amenity, climate change and water management. It will be a key document in the Council's ambition to protect and enhance the biodiversity of the Borough. The Strategy will set out the Council's response to its statutory duties under the Town and Country Planning Act, NPPF and the Environment Act. The Strategy will cover the management of Council owned trees, the replanting policy, new planting schemes (including the 250,000 tree project) and woodland management.
- 4.11 The Group received feedback on the early engagement survey which took place in November 2021 to gather views from residents, Town and Parish Councils and other stakeholders on the key issues to be addressed in the Strategy. The key areas that were highlighted by the survey included:
- The use of TPO's to protect the current stock of trees to prevent felling of trees, including advice on how to apply for TPO's, how reports of mature tree felling are investigated by WBC and what measures will be taken if TPO's are breached;
 - Developer responsibility to ensure new planting schemes are maintained and cared for appropriately;
 - Prevention measures to reduce felling of mature trees for development and outlining how the Tree Strategy and Local Plan will work together, considering the ratio of trees felled, trees planted and how this will be measured. Clarification on who takes on management of mature trees on sites that are developed;
 - WBC canopy cover;

- Woodland management;
- Responsibility of utility suppliers carrying out work around trees;
- Replanting policy and maintenance policy for current stock of Council-owned trees as well as newly planted trees;
- Street tree policy outlining how these trees are managed and maintained;
- Species recommendation and advice for planting new trees – right tree, right place including permission requirements and process for residents seeking to plant on WBC-owned land;
- Income potential from coppiced wood, biodiversity gains, etc.;
- Community involvement opportunities.

4.12 An important issue highlighted by the survey was the maintenance of newly planted trees on new developments. Much concern had been expressed by Members, residents and Town and Parish Councils about the significant number of young trees which did not survive on new developments. It was felt that developers should be more accountable for these losses. Members were reminded of the work of the earlier Task and Finish Group on Estate Infrastructure which had received evidence about the loss of trees on development sites. That Task and Finish Group recommended that the Council work with developers to focus on measures to minimise the loss of newly planted trees. One issue considered was the use of a “Green Bond”, i.e. a bond paid to the Council by developers to ensure that agreed tree planting and maintenance was carried out. We were heartened to hear that officers were now seeking to introduce the Green Bond concept and that additional officer resource was planned to monitor landscape compliance on new developments.

Recommendation – That officers liaise with Town and Parish Councils and community groups to improve monitoring and compliance with planning requirements relating to tree planting on new developments.

4.13 Maintenance of newly planted trees would also be a key issue for the 250,000 tree planting project over the next five years. We were informed that each planting scheme within the project would include a three year young tree maintenance programme to ensure that the tree are given every chance to become established within their environment. There would be opportunities to work with local communities and Town and Parish Councils to develop “tree warden” or “tree champion” roles which could draw on the pool of volunteers who were keen to contribute to the process.

4.14 The Group considered the merits of applying area-wide TPOs to trees on new development sites. We noted the officer position that national guidance promoted the identification of specific trees and groups of trees in preference to area classification. However, we felt that there was some merit in pursuing area-wide classification on large scale developments. This would provide initial protection for all the trees on site. Further investigations would then identify the trees which should be protected in the long term. We felt that this process would help to avoid the situation where important trees were cut down before the Council and local stakeholders were able to act.

Recommendation – That officers consider the implementation of area-wide TPOs on new, large-scale development sites.

- 4.15 Members noted that there were a number of ongoing tree planting and protection initiatives across the Borough led by Town and Parish Councils, the Wokingham Veteran Tree Association and various other voluntary and community groups. The Tree Strategy and the 250,000 tree project provided an exciting opportunity for the Council to build on existing partnerships and networks across the Borough. We noted the challenge of planting 250,000 trees in a five year period and felt that the project should be underpinned by an Action Plan with specific actions over the short, medium and longer term

Recommendation – That the Tree Strategy and the 250,000 tree project be underpinned by an Action Plan setting out short term, medium term and long term actions.

Grounds Maintenance

- 4.16 The Group received an update on the Council's grounds maintenance contract including measures to improve biodiversity through the development of longer grassed and wildflower areas. The current grounds maintenance contract ran until 2026 with an option for a five year extension. Officers had worked with the contractor, Viola, to improve flexibility within the contract including the creation of longer grassed areas and the timing of mowing of highway verges. This was clearly a matter of public interest with residents holding different views about the benefits of longer grassed areas. We noted that officers were considering the development of a policy relating to grass cutting, including verges, which would provide more clarity for residents on the approach in different parts of the Borough. Once developed, the policy would be the subject of consultation with Town and Parish Councils and community groups.

Recommendation – That officers develop a management policy relating to the maintenance of open spaces and highway verges, the draft policy to be submitted to the Overview and Scrutiny Management Committee for consideration.

Partnership Working

- 4.17 The Group received evidence from two key partners – the Wokingham District Veteran Tree Association (WDVTA) and the Town and Parish Councils. The WDVTA had mapped around 8,500 veteran trees (trees of 1 metre diameter) across the Borough over the past 15 years. The WDVTA website contained a significant amount of data about veteran trees which was publicly available. As many of the veteran trees in the Borough had now been mapped, the WDVTA was refocussing more on the role of "tree champion" with a view to protecting existing trees. In relation to the 250,000 tree project, it was felt that involvement of the public was a good idea and should be underpinned by clear information and consistent communications. A large element of the project would involve whip planting (2ft high trees) so it would be important to communicate the expected standards including soil, weeding around trees and general

maintenance. Planting new trees near to mature trees would enable them to piggyback on the improved soil conditions created by the older trees.

- 4.18 The Town and Parish Council representatives confirmed a strong commitment to work with WBC on tree and biodiversity issues. They had their own landholdings and funding sources and were keen to move forwards in a stronger partnership. To this end they were keenly interested in the emerging Tree Strategy. The Towns and Parishes felt that the TPO process was effective and the WBC webmaps were useful. However, it was recognised that WBC had limited resources for the wide range of ongoing work and the additional requirements from new legislation. WBC officers had attended Town and Parish Council meetings to discuss the 250,000 tree project. This engagement was welcomed and it was hoped that more frequent and constructive dialogue would be mutually beneficial. We did note, also, that the request for closer working relationships was a recurring theme in our discussions with WDVTA and the Town and Parish Council representatives.

Recommendation - That officers work to develop improved partnership working, engagement and communication with key partners, including Town and Parish Councils, the Wokingham District Veteran Tree Association, schools, specialist and community groups.

Recommendation - That officers work with partners and specialist groups to encourage and empower residents in improving the local environment, for example by supporting residents to take the lead on local initiatives.

- 4.19 The Group noted the potential for community engagement and involvement on tree protection and biodiversity issues. The Town and Parish Council representatives gave examples of resident involvement such as crowdfunding to fund tree planting schemes. We were also informed that hundreds of residents had come forward to request a tree for planting on their property as part of the 250,000 tree project. We felt that the Council could play a greater role in providing information and guidance for residents on issues such as home composting, soil management and rainwater harvesting. The Council website and publications such as the Wokingham Borough News could be used to provide advice and signposting to specialist groups in the Borough. A lot of positive work was ongoing and it was important to celebrate successes.

Recommendation - That the Council's website and communication channels be used to provide improved information and guidance on tree protection and biodiversity issues and signposting to specialist groups.

Section 5 – Ecological Emergency Motion

- 5.1 The pressures of climate change, intensive agriculture, unsustainable use of resources and continuous development are causing significant pressures on biodiversity locally and nationally. The result is a risk to local wildlife and longstanding habitats, simply put it is the decline of nature all around us. At its meeting in November 2021, the Council considered a Motion proposing the declaration of an Ecological Emergency alongside the Climate Emergency declaration from July 2019. The Motion was submitted by Councillor Ian Shenton in the following terms:

This Council formally declares an Ecological Emergency and will:

- 1) Address ecological issues alongside climate emergency actions and ensure that opportunities to gain co-benefits from addressing both the climate and ecological emergencies are maximised.
- 2) Add ecological implications alongside those for climate in committee and Council reports.
- 3) Ensure the delivery of biodiversity and environmental enhancements through our planning policy and development control functions by providing guidance through a biodiversity supplementary planning document.
- 4) Strive to enable the development of a 20% mandatory biodiversity net gain policy for Wokingham through the new local plan.
- 5) Create a Developing Nature Toolkit and direct developers to use the toolkit to assist them in demonstrating a net gain in biodiversity, to be used from the very outset of planning new developments, and ideally at the time of selecting sites to acquire for development.
- 6) Re-establish the Wokingham Biodiversity Forum to allow the Council to collaborate effectively with partners and the wider community.
- 7) Where possible, embed ecological initiatives within all Council work areas, including Covid-19 recovery projects and programmes.
- 8) Promote woodland planting and rewilding in the right places and with the right species, peatland restoration, natural flood management, wild flower meadows, and habitat creation and restoration.
- 9) Work with local, county, regional and national partners to increase wildlife habitats, green infrastructure and natural capital in Wokingham Borough ensuring robust connectivity between them.
- 10) Manage Council services, buildings and land in a biodiversity-friendly manner, including by reviewing the use of harmful chemicals, such as

pesticides and taking opportunities to create new wildlife habitats and corridors.

- 11) Provide advice for local communities and businesses on how to incorporate biodiversity, green infrastructure and natural capital into Neighbourhood Plans and other initiatives.
- 12) Encourage residents to take biodiversity measures in their own homes by, for example, wildlife gardening and home composting.
- 13) Working collaboratively with the Berkshire Local Nature Partnership, Wokingham Biodiversity Forum, a cross party working group and other stakeholders, produce a local nature recovery strategy and associated action plan with an annual progress report to full Council.

5.2 In terms of national context, a number of Councils have declared Ecological Emergencies or have declared a combined Climate and Ecological Emergency. These Councils include Brighton, Bristol, BCP (Bournemouth, Christchurch and Poole), Cambridgeshire, Camden, Doncaster, Dorset and Sutton. It is worth noting that the vast majority of Councils have declared a Climate Emergency but a much smaller number have declared an Ecological Emergency.

5.3 As an example, Bristol was the first local authority to declare a standalone Ecological Emergency, in January 2020. The Council worked with partners to develop an Ecological Emergency Strategy with the following strategic goals:

- Space for Nature – at least 30% of land in Bristol to be managed for the benefit of wildlife by 2030;
- Pesticides – reduce the use of pesticides in Bristol by at least 50% BY 2030;
- Pollution – 100% of Bristol's waterways to have water quality that supports healthy wildlife by 2030;
- Wider footprint – people and businesses to reduce consumption of products that undermine the health of wildlife and ecosystems around the world.

5.4 There were a range of views within the Group about the merits of declaring an Ecological Emergency. Whilst declaring an emergency would be a high profile statement of intent there was also a view that it could result in duplication of effort and could take focus away from the Climate Emergency declaration. Based on the experience from other local authorities, the options appeared to be to declare a standalone Ecological Emergency or declare a combined Climate and Ecological Emergency (with amendments to the existing Climate Emergency Action Plan). Alternatively, Council could decide not to declare an emergency but request that ongoing work on tree protection and biodiversity (described in the report) be brought together into an annual update report to Council, similar to the annual Climate Emergency update.

5.5 The Group's views on each of the specific points within the November Council Motion are set out below:

- Address ecological issues alongside climate emergency actions and ensure that opportunities to gain co-benefits from addressing both the climate and ecological emergencies are maximised.

Our views - It was agreed that there were major benefits in tackling ecological and climate emergency issues jointly. There were strong interdependencies and opportunities for symbiotic working. A key challenge would be to maximise the impact of limited staff resources and budgets.

- Add ecological implications alongside those for climate in Committee and Council reports.

Our views – It was agreed that the inclusion of ecological impacts in key decision reports would help to ensure that these issues became part of the Council's day to day operations, not an afterthought. Reports currently included a section on Climate Emergency Impact. This could be extended to Climate and Ecological Impact. As with the Climate Emergency issue, it was important that this was not seen as a tick box exercise but a proper assessment of the impact of key decisions.

- Ensure the delivery of biodiversity and environmental enhancements through our planning policy and development control functions by providing guidance through a biodiversity supplementary planning document.

Our views – the Environment Act was now in place (with a two year lead in period for some of the provisions) and the Council was working on an update to the Local Plan. Biodiversity and environmental improvements should be key elements in the Local Plan. Officers advised the Group that this issue was already under consideration by the Council's Growth and Delivery Policy Team. It was felt that development of a supplementary planning document (SPD) could take time and that any future changes would have to go through a consultation process. It may be more effective, therefore, to achieve this outcome through a policy or strategy rather than a SPD. Whilst noting the officer comments on the challenge of developing an SPD, we felt that the Council should seriously consider this option in order to maximise the robustness of the Council's position.

- Strive to enable the development of a 20% mandatory biodiversity net gain policy for Wokingham through the new local plan.

Our views - The Environment Act included the target of 10% biodiversity net gain. A number of Councils were seeking to achieve 20%. Going beyond 10% was seen as a sensible target. However, it was felt that this should be addressed on a case by case basis. The Council

could set out a target to achieve 20% where possible but retain the flexibility to negotiate a lower target based on the relevant circumstances. We also noted the view that the level of Biodiversity Net Gain achievable may be different in urban versus rural developments. Making 20% a mandatory target could make some proposed developments unviable. It was also felt that the ambition could be to increase the target at a later date.

- Create a Developing Nature Toolkit and direct developers to use the toolkit to assist them in demonstrating a net gain in biodiversity, to be used from the very outset of planning new developments, and ideally at the time of selecting sites to acquire for development.

Our views – the development of a toolkit in principle was supported and it was noted that a Nature Toolkit was being developed nationally. However, officers advised us that such a toolkit would be of more use for authorities which did not have a strong team in place to provide ecological advice. The shortage of ecologists was seen as a national problem in achieving the new Biodiversity Net Gain target. It was estimated that two thirds of local authorities did not have in-house capacity. WBC was fortunate to have a strong in-house team with an experienced Ecology Officer who would be supported by a new postholder from April 2022. Consequently, the Council's in-house team were able to go beyond the level of support provided by the toolkit in terms of expert advice to developers. Whilst recognising the current strength of the Council's team we did note that there could be a risk if the current postholder was to leave the organisation. Accordingly, appropriate training and contingency planning should be put in place to ensure the resilience of the team.

- Re-establish the Wokingham Biodiversity Forum to allow the Council to collaborate effectively with partners and the wider community.

Our views – It was confirmed that the forum was currently dormant and work was under way to re-establish it. This would be led by one of the new postholders in the Trees and Landscape Team. The aim was to reinvigorate the forum with a clear vision, strengthened terms of reference, streamlined membership and effective reporting lines.

- Where possible, embed ecological initiatives within all Council work areas, including Covid-19 recovery projects and programmes.

Our views – we noted that this work was already ongoing. The Ecology Officer liaised with other departments such as Highways and Property. There was a recognition that this work could be extended, depending on resources, to widen the understanding of ecological impacts in key service areas.

- Promote woodland planting and rewilding in the right places and with the right species, peatland restoration, natural flood management, wild flower meadows, and habitat creation and restoration.

Our views – It was confirmed that some of these initiatives were being pursued through, for example, the Council's grounds maintenance contract, the flood alleviation programme and the 250,000 tree planting project. We noted the potential for working with Town and Parish Councils and landowners to develop wildlife corridors. We were given the example of a potential development which could deliver a corridor running through the site with public access to the riverside.

- Work with local, county, regional and national partners to increase wildlife habitats, green infrastructure and natural capital in Wokingham Borough ensuring robust connectivity between them.

Our views – Work was ongoing to develop a Borough-wide Tree Strategy which included the planting of 250,000 trees as part of the Climate Emergency Action Plan. Improving the natural capital of the Borough would deliver benefits to residents. For example, woodland can deliver benefits such as flood risk reduction and carbon capture. Officers provided examples of ongoing partnerships with the Woodland Trust, the Forestry Commission and other partners.

- Manage Council services, buildings and land in a biodiversity-friendly manner, including by reviewing the use of harmful chemicals, such as pesticides and taking opportunities to create new wildlife habitats and corridors.

Our views – we were informed that this was an issue requiring additional focus in areas such as procurement, development of performance indicators and contract reviews such as the Highways contract. The Council's Procurement team was working on this issue. We noted the example of Bristol City Council which has set a target to reduce the use of pesticides by at least 50% by 2030.

- Provide advice for local communities and businesses on how to incorporate biodiversity, green infrastructure and natural capital into Neighbourhood Plans and other initiatives.

Our views – we supported this idea in principle. Officers advised us that this was additional work which would require additional resources. Other specialist bodies may be better placed to provide this advice. WBC could support these bodies with grant funding

- Encourage residents to take biodiversity measures in their own homes by, for example, wildlife gardening and home composting.

Our views – we noted that the Council already carried out many positive initiatives relating to biodiversity across the Borough. We felt that there

was an argument for a strengthened communication/engagement role which could improve connections and communication with the wide range of stakeholders including Town and Parish Councils, community groups, schools and residents keen to become involved in voluntary work which helped to preserve access to nature. We considered the example of residents moving in to new build accommodation. As part of the development topsoil was removed and stored enabling the building works to proceed. The storage and compaction of the soil removed any life meaning that residents had challenges with their new gardens. It was suggested that WBC could provide advice to developers on the management of soil on sites and could also provide advice to residents about measures to restore life in their gardens. Such advice could be included in the Wokingham Borough News and the Council's website. Further advice could relate to activities such as rainwater harvesting and home composting.

- Working collaboratively with the Berkshire Local Nature Partnership, Wokingham Biodiversity Forum, a cross party working group and other stakeholders, produce a local nature recovery strategy and associated action plan with an annual progress report to full Council.

Our views – we noted that, as set out above, work was ongoing to reinvigorate local partnerships. Discussions were ongoing with the other Berkshire unitaries about the production of a Berkshire-wide Local Nature Recovery Strategy. The proposed annual progress report to Council was supported. The report should be considered by the Overview and Scrutiny Management Committee prior to its submission to Council.

RECOMMENDATIONS TO COUNCIL

- i) **That Council consider the Task and Finish Group's evidence relating to the Council Motion and determine whether or not to declare an Ecological Emergency.**
- ii) **That Council note the progress made in relation to the specific points set out in the Council Motion and the proposals for future action.**
- iii) **That, notwithstanding the decision on Ecological Emergency, Council receive an annual update report on progress relating to tree protection and the protection and enhancement of biodiversity across the Borough.**

Section 6 - Conclusions and Next Steps

- 6.1 In considering its report, the Group noted several themes relating to tree protection and biodiversity across the Borough. Firstly, the significant ongoing pressure on the Borough from new development and population growth. The Borough's population is estimated to increase from 174,945 in 2020 to 184,300 in 2030. The requirement to deliver up to 800 homes each year together with infrastructure such as roads, schools and community facilities will be a major challenge. Hopefully, the implementation of Biodiversity Net Gain will ensure that the impact of new development is mitigated.

Secondly, we were impressed by the knowledge and commitment of the Council's officers who gave evidence to the Group. We were also heartened to hear that additional resources have been made available to the in-house team which will assist in areas such as increased monitoring and enforcement of planning obligations and support to key partners. Whilst the Council had a robust set of policies and plans in place we highlighted the opportunity for the Local Plan Update to ensure that tree protection and biodiversity were seen as key considerations within the planning process.

Thirdly, the opportunities for improved partnership working and community engagement. We heard from key stakeholders about the number of residents and community groups who were keen to engage with the Council on tree protection and biodiversity issues. There was also an opportunity to work more closely with schools to encourage children and young people to develop an awareness of the importance of protecting our natural environment. Whilst noting that the Council's resources are limited we saw opportunities for greater communication and engagement, including signposting to specialist groups in the Borough.

- 6.2 The Group's report will be submitted to the Overview and Scrutiny Management Committee prior to consideration by the Council's Executive. The section of the report relating to the Council Motion on Ecological Emergency will be submitted to full Council for consideration.

Section 7 - References

- A Green Future: Our 25 Year Plan to Improve the Environment – HM Government - 2018
- Biodiversity in the UK: bloom or bust? – House of Commons Environmental Audit Committee – 2021
- Local Government Association – Evidence to the House of Commons Environmental Audit Committee – 2021
- UK State of Nature Report – National Diversity Network – 2019
- National Planning Policy Framework - 2021
- Bristol One City Ecological Emergency Strategy & Action Plan 2020
- BCP Council – Climate & Ecological Emergency Action Plan 2021
- Camden Council Climate & Ecological Emergency – Biodiversity Strategy for Camden 2021
- WBC Biodiversity Action Plan 2012
- WBC Climate Emergency Action Plan 2019 (updated annually)
- WBC Local Plan Update: Revised Growth Strategy Consultation - 2021